



Personnel/Hiring – Standard Operating Procedures

State Board LEA Policies 5104 through 5910 lay out the broad requirements and expectations for employees of authorized charter schools. Employees of authorized charter schools are not employees of the State Board or the State of Tennessee. However, as the Local Education Agency (LEA), the State Board has oversight and monitoring responsibilities with regard to the employees of each authorized charter school. This document provides authorized charter schools with the standard operating procedures for compliance with the hiring of personnel. Each school shall follow all federal and state laws, rules, and policies with regard to hiring and employees. These procedures include:

- [Hiring Process](#)
- [Charter School Background Check Process](#)
- [Criminal History Background Checks](#)
- [Department of Children’s Services Background Checks](#)
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Hiring Process

Each charter school is responsible for developing and implementing its own hiring process. In accordance with State Board LEA Policy 5106 – Application and Employment, an individual desiring a position with an authorized charter school shall apply to the school leader or the designee on forms developed by the school.

Criminal History Background Checks

The State Board is authorized under the National Child Protection and Volunteers for Children Act to run criminal history background checks for authorized charter schools. In order for a background check to be run, the applicant must sign a Volunteer and Employee Criminal History System (VECHS) waiver form. A copy of the form shall be kept in the applicant’s personnel file, and the form shall be sent to the State Board. The State Board will send the form to the TBI within forty-eight (48) hours of receipt.

The State Board shall audit, as necessary, to verify the location of the waiver in charter school’s personnel files.

Charter School Background Check Process

Pursuant to State Board LEA Policy 5118 – Background Investigations, to ensure the safety and welfare of students and staff, the State Board shall require criminal history background checks, Department of Children’s Services (DCS) background checks, Department of Health Abuse Registry checks,



Sex Offender Registry checks, and fingerprinting of applicants for teaching positions and any other position that require proximity to children in any authorized charter school.

The following process shall be followed before any criminal history background checks are performed by the State Board:

1. The State Board's Director of Schools shall designate authorized personnel responsible for accessing, maintaining, processing, disseminating, or destroying any criminal history background check information. The authorized personnel shall undergo special training providing them a working knowledge of federal laws and regulations governing the security and processing of Criminal History Record Information (CHRI). The training shall take place within sixty (60) days of employment or job assignment with the State Board and every three (3) years thereafter. The trained personnel shall sign the Personnel Security Awareness document acknowledging the training occurred, and the State Board will maintain this signed awareness statement.
2. The charter school shall identify the person from the school who will be responsible for submitting and receiving applicant information to and from the State Board. The State Board shall be notified within forty-eight (48) business hours if the designee in this role changes.
3. The charter school designee shall participate in a training session with the General Counsel of the State Board to review the federal and state laws and regulations governing the security and processing of CHRI. The training shall take place within sixty (60) days of employment or job assignment with a State Board authorized charter school and every three (3) years thereafter. It is the responsibility of the designee to schedule the training with the State Board's General Counsel.
4. At the conclusion of the training, the charter school designee shall sign an awareness statement and return it to the State Board's General Counsel. The State Board will not accept any applicant information from the designee until the designee is trained and submits the awareness statement.
5. The State Board will establish an account for the designee through an ownCloud account, a safe and secure platform through which applicant information will be transmitted.

Once the charter school designee completes the appropriate training and awareness forms, the designee may submit applicant information to the State Board's representative for conducting criminal background checks. The following procedures shall be followed for all applicants:

1. The designee shall require each applicant to sign the Volunteer & Employee Criminal History System (VECHS) waiver form. A copy of the waiver shall remain in the applicant's personnel folder.
2. The designee shall complete the secure spreadsheet template provided by the State Board with all required applicant information, including but not limited to name of applicant, date of birth, and social security number. The designee shall only complete the template after the applicant has signed the waiver.
3. The designee will upload the secure spreadsheet and waiver into the designated ownCloud folders. Any spreadsheet that does not contain all required information about the applicant will be returned to the designee. No background checks may be processed without the waiver.

4. Within forty-eight (48) business hours of receipt of the waiver, the State Board's representative will send a copy of the waiver to the Tennessee Bureau of Investigation (TBI) via email.
5. The State Board's representative will conduct the following background checks on the applicant:
 - a. Child-Related Worker Private Background Check (TBI/FBI)
 - b. Tennessee Department of Children's Services Check
 - c. Tennessee Department of Health Abuse Registry Check
6. Within five (5) business days of receipt of the background check results from the TBI, the State Board's representative will draft an Indication/No Indication letter to the charter school's representative to indicate whether or not the applicant may be hired for a position. The letter will be uploaded into the designated ownCloud folder, and a copy of the letter shall be kept by the charter school in the applicant's personnel file.
7. The State Board's representative will also conduct an initial licensure check on the applicant in the Tennessee Department of Education's system. It is the charter school's responsibility to ensure that the applicant is appropriately licensed and endorsed for the courses or subjects he or she teaches, and the State Board will randomly audit charter schools for this information.
8. The charter school has ultimate discretion on hiring, but it must do so in accordance with federal and state law.

The State Board and each authorized charter school shall adopt procedures to ensure CHRI is stored in a secure location and disposed of under the supervision of the Director of Schools and/or the school leader. Areas in which CHRI is processed and handled shall be restricted to authorized personnel identified by the Director of Schools or the school leader. The area shall be out of view of the public and unauthorized personnel. The Director of Schools and the school leader shall maintain a list of all employees who have access to, can process, disseminate, and/or destroy CHRI.

Department of Children's Services Background Checks

The Department of Children's Services background check searches the DCS system for any records that the applicant is indicated as a perpetrator of abuse. When the State Board's designee enters the applicant's information into the DCS system, one of two responses will be given:

- Option 1: "No evidence was found in DCS Records that the person is indicated as a perpetrator of abuse." This response means that at the time the check was run, there were no records found that indicated the applicant as a perpetrator of abuse.
- Option 2: "DCS needs more information." This response means that a designee with DCS will reach out to the State Board designee with a request for additional information about the applicant. At that point, the process is handled by DCS until the State Board is notified if the applicant has or has not been indicated as a perpetrator of abuse.

Educator Licensure and Endorsement



It is the responsibility of the charter school to ensure that all teachers appropriately licensed and endorsed in the subject(s) that they teach.¹ Before a teacher is hired to teach a specific course, each charter school is responsible for verifying that the teacher's endorsements match the required endorsements for that course through the Tennessee Department of Education's [Correlation of Course & Endorsement Codes](#). The State Board will audit a school's staff assignments against the Correlation of Course & Endorsement Codes document as a part of the quarterly personnel audit referenced in this document. The department updates the Correlation of Course & Endorsement Codes annually, so each charter school should refer to the version that applies to the current school year.

Background Investigations Chain of Custody

1. When an applicant has been recommended for hire, the charter school designee shall have the applicant sign the VECHS waiver.
2. The waiver shall be sent to the State Board via ownCloud and a copy of the waiver shall be filed in the personnel file by charter school designee.
3. Applicant will receive written instructions on how to register for fingerprinting through IdentoGO by the charter school designee.
4. Applicant will be informed that the fingerprint-based background check will be used to check the criminal history records of the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI).
5. Applicant will register for fingerprinting through IdentoGO.
6. Applicant will receive a signed receipt at the end of the fingerprinting session which can be provided to the State Board for proof of fingerprinting, if needed.
7. All results will be processed and delivered to the State Board of Education by the TBI.
8. Authorized State Board personnel will conduct all additional background checks and create a permanent file for each applicant.
9. Indication/No Indication letter is drafted by the State Board and uploaded to ownCloud, and the charter school designee is responsible for placing letter in applicant's personnel file.
10. The charter school designee is responsible for ensuring personnel files are locked in a filing cabinet and/or in locked offices/storage rooms to protect personnel information.
11. The State Board will maintain waivers, background check results, and Indication/No Indication letters for each applicant in a filing cabinet and/or in locked offices/storage rooms to protect personnel information.

Reporting to the State Board

Per the State Board's reporting calendar, each authorized charter school shall submit its current list of employees including position and license number (if applicable), and the State Board will audit for compliance with the personnel policies and procedures.

¹ State Board Rule 0520-01-02-.03 and State Board Policy 5.502 Educator Licensure Policy